

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WESTERN SURETY COMPANY, a  
foreign corporation

Plaintiff,

v.

Case No.: 2:19-cv-212-FtM-38MRM

KRISTOPHER TIRTEL, SUNSET  
AUTO & TRUCK, LLC and CARMAX  
AUTO SUPERSTORES, INC.,

Defendants.

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**ORDER**<sup>1</sup>

This matter comes before the Court on consideration of the parties' Joint Motion for Order of Discharge and Agreed Upon Award of Attorney's Fees ([Doc. 61](#)) and Defendant Kristopher Tirtel and Carmax Auto Superstores, Inc.'s Notice of Settlement and Motion for Order to Disburse Registry Funds ([Doc. 62](#)). The Court grants the motions under [28 U.S.C. § 2361](#).

Accordingly, it is now

**ORDERED:**

The parties' Joint Motion for Order of Discharge and Agreed Upon Award of Attorney's Fees ([Doc. 61](#)) and Defendant Kristopher Tirtel and Carmax Auto Superstores, Inc.'s Notice of Settlement and Motion for Order to Disburse Registry Funds ([Doc. 62](#)) are

**GRANTED.**

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

- (1) Western is dismissed from the instant action and is discharged from any further liability under the Bond.
- (2) The Clerk is **DIRECTED** to disburse \$6,000.00 to Western for attorney's fees and costs from the Interpleaded funds currently held in the Clerk's Registry.
- (3) The Clerk is **DIRECTED** to disburse the remaining Interpleaded funds held in the Clerk's Registry as follows:
- a. \$9,000.00 to Tirtel by check made payable to **The Dellutri Law Group, P.A. Trust Account fbo Kristopher Tirtel** and mailed to The Dellutri Law Group, P.A., 1436 Royal Palm Square Boulevard, Fort Myers, Florida 33919.
  - b. \$10,000.00 to Carmax by check made payable to **CarMax Auto Superstores, Inc.**, and mailed to CarMax Auto Superstores, Inc., Attention: Maggie Finnegan, Esquire; Senior Corporate Counsel, 12800 Tuckahoe Creek Parkway, Richmond, VA 23238.
- (4) Upon disbursement of the Interpleader funds, this case shall be **DISMISSED with prejudice**, and the Clerk is **DIRECTED** to enter judgment and close the case.

**DONE** and **ORDERED** in Fort Myers, Florida this 12th day of February, 2020.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record